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Paripovic v. Atty Gen USA

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PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 03-4193

ZELJKO PARIPOVIC
Petitioner

v.

*ALBERTO R. GONZALES, ATTORNEY GENERAL
OF THE UNITED STATES OF AMERICA,
Respondent

* Substituted pursuant to Rule 43c, F.R.A.P.

On Appeal from an Order entered before
The Board of Immigration Appeals
(No. A72-780-152)

Argued December 13, 2004

Before: AMBRO, VAN ANTWERPEN and STAPLETON, Circuit Judges

(Opinion filed August 12, 2005)

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ORDER AMENDING PUBLISHED OPINION

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed August 12, 2005, be amended as follows:

On page 7, replace the entire paragraph in the middle of the page beginning “Because Paripovic’s deportation . . . (Sept. 30, 1996).”, with the following:

At the time Paripovic’s petition for review (which relates to deportation proceedings begun prior to April 1, 1997) was filed, our jurisdiction arose from the former Immigration and Nationality Act (“INA”) § 106(a) and was governed by the “transitional rules” of § 309(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009 (Sept. 30, 1996). On May 11, 2005, Congress enacted The REAL ID Act, which provides, *inter alia*, that a “petition for review filed under former section 106(a) of the Immigration and Nationality Act . . . shall be treated as if it had been filed as a petition for review under [8 U.S.C. § 1252], as amended by this section.” REAL ID Act § 106(d), 119 Stat. 310-311 (May 11, 2005). Thus, our jurisdiction now arises under 8 U.S.C. § 1252, as amended by The REAL ID Act. *Cf. Elia v. Gonzales*, ___ F.3d ___, 2005 WL 1903723 at *3 (6th Cir. July 22, 2005).

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: August 29, 2005